

## United States District Court, Northern District of Illinois


Name of Assigned Judge or Magistrate Judge	Elaine E. Bucklo	Sitting Judge if Other than Assigned Judge	Edward A. Bobrick
CASE NUMBER	03 C 6245	DATE	3/29/2004
CASE TITLE	Kestrel Holdings I, L.L.C. vs. Learjet, Inc., et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [ use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> Local Rule 41.1 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter Memorandum Order regarding Plaintiff's Motion to Compel and request for fees from defendants' counsel. Status hearing set on May 24, 2004 at 10:00 a.m. to stand.
		
(11)	<input checked="" type="checkbox"/>	[For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials	Date/time received in central Clerk's Office	number of notices	Document Number
			date docketed	
			docketing deputy initials	
			3/29/2004	
			date mailed notice	
			SRB	
			mailing deputy initials	

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>KESTREL HOLDINGS I, L.L.C.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>No. 03C6245</b>
	)	<b>Judge Elaine E. Bucklo</b>
<b>LEARJET, INC., AND BOMBARDIER INC.,</b>	)	
	)	<b>Edward A. Bobrick,</b>
	)	<b>Magistrate Judge</b>
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

Before the court is Plaintiff's Motion to Compel Discovery from Mark Racine, one of defendants' experts who was properly served with a subpoena duces tecum, under Federal Rules of Civil Procedures Rule 45, by plaintiff in this jurisdiction, and who has failed to respond. Plaintiff also requests that Mr. Racine and/or his attorneys reimburse plaintiff for its reasonable attorneys' fees and expenses related to this motion. The Court, upon review of plaintiff's and defendants' written submissions, and after receiving oral argument from counsel for all parties present

**IT IS HEREBY ORDERED:**

1. Plaintiff's Motion to Compel is GRANTED. Within five (5) days of the date of this order, Ron Sprague, as counsel for Mark Racine, shall submit a written certification to plaintiff's counsel that all documents responsive to the categories enumerated in the subpoena duces tecum that are within Mr. Racine's possession or control (including those documents within the possession or

control of Mr. Racine's counsel and/or defendants' counsel), have been produced to plaintiff's counsel. Mr. Sprague shall also ensure that all supplemental documents responsive to the categories enumerated in the subpoena that come within Mr. Racine's possession or control in the future (including those documents that come within the possession or control of Mr. Racine's counsel and/or defendants' counsel) are promptly produced to plaintiff's counsel.

2. Plaintiff's request for fees and costs related to its Motion to Compel is also GRANTED. Plaintiff to submit its petition for fees and costs by April 7, 2004. Defendants to file their response to said petition by April 21, 2004.

3. This matter shall remain open until May 24, 2004. Out of state counsel are granted permission to participate in future proceedings by telephone, at their option. This matter is set for a status conference on May 24, 2004 at 10:00 a.m.

ENTERED: \_\_\_\_\_



EDWARD A. BOBRICK  
U.S. Magistrate Judge

**DATE:** March 29, 2004